IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1973 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NIDHI S GARG - Petitioner(s)
Versus
ADDL CHIEF SECRETARY & 2 - Respondent(s)

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Appearance :
TANNA ASSOCIATES for Petitioner(s) : 1,
MR MAULIK NANAVATI, AGP for Respondent(s) : 1 - 3.
NOTICE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 16/11/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner who was selected by the GPSC has prayed for an appropriate writ, direction and/or order for a declaration that the petitioner is continued as tutor in BJ Medical College

at Ahmedabad and accordingly should be confirmed as GPSC candidate at the earliest.

2.It is not in dispute that the petitioner has been selected by the GPSC and at the relevant time she was placed at Serial No.27 on the waiting list/merit list.

3.While admitting the present Special Civil Application, the learned Single Judge of this Court granted ad-interim relief restraining the respondents from terminating the services of the petitioner as tutor in pathology with a view to accommodating any candidate not selected by the GPSC. It appears that the petitioner is serving as a tutor in pathology and was selected by the GPSC hence, this petition is disposed of in terms of the interim order passed by this Court dated 5.3.1997.

4.Rule is made absolute to the aforesaid extent, however, there shall be no order as to costs.

[M.R.SHAH, J.]

kdc